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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/804,105	03/12/2001	Norbert A. Feliss	SJ0920000138US1	8988

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EXAMINER

MILLER, BRIAN E

ART UNIT	PAPER NUMBER
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2652

DATE MAILED: 11/24/2004

17

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/804,105

Applicant(s)

FELISS ET AL.

Examiner

Brian E. Miller

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 7-10 and 12-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4 and 7 is/are allowed.
- 6) ☒ Claim(s) 8-10, 12-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Claims 1-4, 7-10, 12-15 are pending.

Prosecution Reopened

1. In view of the Appeal Brief filed on 2/26/04, PROSECUTION IS HEREBY REOPENED. New Grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Drawings

2. The drawings are objected to under 37 CFR 1.83(a) because they fail to show a view, such as a side view, to show the respective heights of the protrusions (#57) relative to the ABS (#45), as described in the specification (see page 7, line 19 to page 8, line 3). Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior

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version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 8-9, 12-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Boutaghou et al (US 6,229,671). (As per claims 8 & 13) Boutaghou et al discloses a slider 72-2 for supporting a transducer for use in a disk drive, as shown primarily in FIGs. 10-13, including: a support structure 80 having a top surface 89 with a pocket 106; a leading edge 92; a trailing edge 94; lateral edges 134, 136 extending between the leading and trailing edges; corners located at

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intersections between the leading edge, the lateral edges, and the trailing edge; with a plurality of air bearing protrusions 96, 98, 100, and at least one shock-absorbing protrusion 150, 152, 154, 156 protruding from the pocket 106 and having a height with respect to the pocket that differs from a height of the plurality of air bearing protrusions (as best shown in FIGs. 13, 16 & 17), such that the at least one shock-absorbing protrusion is discontinuous with the plurality of air bearing protrusions; wherein each of the air bearing protrusions and the at least one shock-absorbing protrusion has a protruding end that defines an air bearing surface (shown again by FIGs. 13, 16 & 17), and the at least one shock-absorbing protrusion comprises a material that is softer than the supporting structure, e.g., polymer, (see col. 5, lines 60-66); (as per claims 9 & 14) wherein the at least one shock-absorbing protrusion comprises a plurality of shock-absorbing protrusions 150, 152, 154, 156, each of which is located at a respective one of the corners of the top surface of the supporting structure (as depicted in the FIGs.); (as per claim 12) wherein the shock-absorbing protrusion comprises a material selected from the group consisting of metals, carbon, doped carbon and polymers, e.g., polymers (see col. 5, lines 60-66) and alternatively could include a polymer base 184 (see FIGs. 16 & 17) with a carbon cap 186.

Additionally, with respect to claim 13, the disk drive device includes a motor (unnumbered though at least inherent to the structure of FIG. 1) which is operable to rotate (arrow 109) the disk 54; an actuator 56 connected to the slider 58 for moving a head across the disk (arrow 112-FIG. 1).

5. Claims 8-10, 12-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Hipwell et al (US 6,483,668). (As per claims 8 & 13) Hipwell et al discloses a slider 120 (180) for

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supporting a transducer for use in a disk drive, as shown primarily in FIGs. 4, 6, 8 (11-12), including: a support structure 100 having a top surface with a pocket 80; a leading edge 82 (184); a trailing edge 84 (186); lateral edges 86, 88 (188, 190) extending between the leading and trailing edges; corners located at intersections between the leading edge, the lateral edges, and the trailing edge; with a plurality of air bearing protrusions 94, 96 and at least one shock-absorbing protrusion 122, 124, 128, 129 (192, 194, 196, 198) protruding from the pocket 80 and having a height with respect to the pocket that differs from a height of the plurality of air bearing protrusions (as best shown in FIGs. 5-6 (11&12)), such that the at least one shock-absorbing protrusion is discontinuous with the plurality of air bearing protrusions; wherein each of the air bearing protrusions and the at least one shock-absorbing protrusion has a protruding end that defines an air bearing surface (shown again by FIGs. 5 & 6 (11 & 12), and the at least one shock-absorbing protrusion comprises a material 140 that is softer than the supporting structure, e.g., plastic, (see col. 4, lines 6-8); (as per claims 9 & 14) wherein the at least one shock-absorbing protrusion comprises a plurality of shock-absorbing protrusions 192, 194, 196, 198, each of which is located at a respective one of the corners of the top surface of the supporting structure (as depicted in FIGs. 11 & 12) (*also see col. 3, lines 46-51, which states that the rim cap 122 in FIGs. 5 & 6 can also be "non-continuous-spaced portions"); (as per claims 10 & 15) wherein the shock-absorbing protrusion comprises a plurality of shock-absorbing protrusions, 128, 129 (FIG. 4) each of which are located along an entire length of a respective one of the lateral edges of the top surface of the supporting structure; (as per claim 12) wherein the shock-absorbing protrusion comprises a material 140 selected from the group consisting of metals, carbon, doped carbon and polymers, e.g., plastic is a polymer (see col. 4, lines 2-8) and alternatively could include alumina

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or carbon layer.

Additionally, with respect to claim 13, the disk drive device includes a motor (unnumbered though at least inherent to the structure of FIG. 1) which is operable to rotate (arrow 58) the disk 54; an actuator 56 connected to the slider 60 for moving a head across the disk (arrow 70-FIG. 1).

Allowable Subject Matter

6. Claims 1-4, 7 are allowable over the prior art of record.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian E. Miller whose telephone number is (703) 308-2850. The examiner can normally be reached on M-TH 7:15am-4:45pm (and every other friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T. Nguyen can be reached on (703) 305-9687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Brian E. Miller
Primary Examiner
Art Unit 2652

BEM

November 23, 2004